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5 Attorneys for Plaintiff GLOBAL TECHNICAL SEARCH, INC.
dba GLOBAL SEARCH
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
10

11 GLOBAL TECHNICAL SEARCH, INC. dba
GLOBAL SEARCH, a California Corporation,

12 Plaintiff,

13 v.
14

15 LELAND JACOBSEN, an individual; and
DOES 1 through 25, inclusive,

16 Defendants.
17

Case No. 3:08-cv-00424-BEN-BLM

**DECLARATION OF MARK MCKINLEY
IN SUPPORT OF PLAINTIFF GLOBAL
TECHNICAL SEARCH, INC. dba
GLOBAL SEARCH'S APPLICATION
FOR TEMPORARY RESTRAINING
ORDER AND MOTION FOR
PRELIMINARY INJUNCTION**

18 I, Mark McKinley, declare as follows:

19 1. I am employed in the in the field of information technology ("IT") and was
20 retained by GLOBAL TECHNICAL SEARCH, INC. dba GLOBAL SEARCH ("GLOBAL
21 SEARCH") to perform an examination and analysis of the office computer used by TED
22 JACOBSEN while he was an employee at GLOBAL SEARCH. Unless stated as relying on
23 information and belief, the facts contained in this declaration are based on personal
24 knowledge, and if called to testify, I could and would do so competently thereto.

25 2. My background and qualifications in the field of information technology are:
26 I have been professionally employed in the computer industry for 12 years, 7 of which have
27 been spent as Network Administrator of a 150 user company. I was privately tutored in basic
28 computer repair and essentials by Chris Link of Link Tech Computers. I have taken several

1 certificate prep and focused classes on specific IT related topics for example an MCSE Cert
2 prep course from UCSD and intermediate and advanced Linux administration classes from
3 Mira Costa Community College. I am also active in the IT community being a member of
4 professional groups such as San Diego Linux Users Group ("SDLUG") and a contributor to
5 online technical help sites.

6 My *Curriculum Vitae* is attached hereto as **Exhibit "A."** Based upon my education,
7 experience, skills and training, I have sufficient knowledge to declare to my findings in
8 connection with the following analysis.

9 3. On January 3, 2008, I was contacted by Michael Burnett, President of
10 GLOBAL SEARCH to perform an examination and analysis of one of the office computers at
11 GLOBAL SEARCH. I am informed and believe that the office computer was used by a
12 former employee, LELAND JACOBSEN. Mr. Burnett informed me that he believed that Mr.
13 JACOBSEN had downloaded and taken GLOBAL SEARCH's confidential and proprietary
14 information from the computer.

15 4. On January 3, 2008, I performed an examination and analysis of the office
16 computer I am informed and believe was used by TED JACOBSEN while he was an
17 employee with GLOBAL SEARCH to determine if the computer and been accessed and
18 information downloaded from the computer. I was able to determine that there had been two
19 insertions of a USB memory stick (for downloads) from that computer on January 2, 2008.
20 The first USB memory stick insertion occurred at 7:45 a.m. on January 2, 2008, and the
21 second USB memory stick insertion occurred at 7:46 a.m. on January 2, 2008.

22 5. GLOBAL SEARCH uses the ACT! software program to manage and store its
23 confidential and proprietary information. ACT! is a software program which I am informed
24 and believe GLOBAL SEARCH uses to store contact information in its employment
25 recruiting business. From my review of the computer on January 3, 2008 the GLOBAL
26 SEARCH's ACT! database includes: (1) employment candidate lists and contact information
27 and (2) employer-client lists and contact information. I am further informed and believe that
28 GLOBAL SEARCH employees input candidate information into the ACT! software program

1 and use the program to match a potential employment candidate to prospective employers in
2 its recruitment business.

3 6. The file containing GLOBAL SEARCH's information stored in the ACT!
4 database is approximately 248 Mega Bytes in size.

5 7. While I was at GLOBAL SEARCH's offices on January 3, 2008 performing
6 the analysis of Mr. Jacobsen's GLOBAL SEARCH work computer, I was shown a USB
7 memory stick package that Mr Burnett and Ken Dubs, Jr. found in the waste basket at Mr.
8 Jacobsen's desk. This USB memory stick package was the same as that identified on
9 Jacobsen's computer file management print out. (See attachment B)

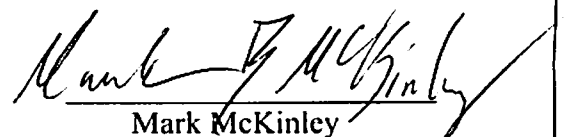
10 8. A USB memory stick can be used to copy and store information from a
11 computer's hard-drive to the memory stick. The information copied and stored on the
12 memory stick can then be transferred from the memory stick to another computer system.

13 9. The packaging I saw indicated that the memory capacity of the USB memory
14 stick was ___4 gigabytes. A ___4 gigabyte memory stick would be capable of storing a file
15 the size of the file containing GLOBAL SEARCH's confidential and proprietary information
16 stored in the ACT! database.

17 10. Mr. JACOBSEN's computer that he used at GLOBAL SEARCH and his
18 access to the ACT! software program were configured such that Mr. JACOBSEN would have
19 been able to access and copy the file containing GLOBAL SEARCH's confidential and
20 proprietary information onto a USB memory stick.

21 11. My usual and customary fee for performing computer consulting work is
22 \$___50.00 per hour. To date, I have expended ___4 hours examining and analyzing Mr.
23 JACOBSEN's work computer, at a cost of \$___200.00.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct, and that this declaration was executed on this 29th day of
26 February 2008 at Carlsbad, California.

27 
28 Mark McKinley

GLOBAL TECHNICAL SEARCH V. LELAND JACOBSEN

Case No. 3:08-CV-00424-BEN-BLM

EXHIBITS TO DECLARATION OF MARK MCKINLEY

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGES</u>
Exhibit A	Curriculum Vitae of Mark McKinley	6-7
Exhibit B	Leland Jacobsen's Computer File Management Print Out	9-11

EXHIBIT A

Mark Best Mckinley
3300 Eureka PL apt# 5
Carlsbad, 92008
Home Phone: (760) 720-1593
E-Mail: markm@microstar-usa.com

Experience

Network Administrator / Database Manager

1998 – Present MicroStar Software

- Linux , Redhat: Kernels 2.0.35 – 2.4.20
 1. Setup and administer Network attached backup server
 2. Write Bash scripts to automate backup of Novell/WIN/LINUX using Tar.
 3. Ipchains/Iptables Firewall custom setup and configure with NAT.
 4. Bind / DNS setup and configure to replace Windows 2000 DNS.
 5. Setup and Configure Apache web server to replace IIS5.
 6. Ipsec/GRE tunneling and VPN to bridge IPX from our main office to the remote sales office in Vancouver.
 7. Network monitoring and troubleshooting using Sniffit,ethereal, and netcat.
 8. Samba Windows connectivity.
 9. Mars-nwe Netware connectivity.
 10. iproute and iproute2 routing setup and configuration for load balancing between our T1 and DSL connection.
 11. Kerberos configuration and integration into Active directory
- Cisco
 1. Router configuration for WAN using point to point and internet DS1.
 2. VPN configuration with IPsec and GRE for non-TCP/IP protocol tunneling
 3. IPX/SPX
- Foxpro 2.4 – 6.0
 1. Format Data for use in FoxPro database
 2. Design and implement custom software packages
 3. Troubleshoot existing system and code necessary upgrades
 4. Work with Customer Service and Sales managers to achieve desired system performance.
 5. Coordinate State / DMA / FTC regulations to make sure we are in compliance.
- Windows 2000 Pro/Server
 1. Configure and manage Exchange 5
 2. Upgrade Exchange 5 to Exchange 2000
 3. Install/monitor/upgrade mail virus and spam scanners
 4. Basic troubleshooting of Great Plains accounting program
 5. Setup local DNS
 6. Configure for use with TCP/IP and IPX/SPX
 7. IIS5 web service

- Windows 2003 server
 1. Active Directory setup, configuration, and management
 2. DHCP and DNS
 3. Visual Basic scripting
 4. Security setup for users and groups
- Windows XP/2000/98/Vista workstation
 1. Workgroup or Domain networking
 2. Interaction with Linux file and service servers
 3. Setup and Troubleshooting
- Novell 4.11
 1. Administer 3 file servers
 2. Write login scripts
 3. Perform full hardware upgrade and data transfer
- Intertel phone system
 1. Administer 4 cabinet Intertel PBX
 2. Purchase and troubleshoot 8 Voice T1's
 3. Interact with service providers to organize 5 PacBell hunt groups, 6 national 800 numbers and 1 international 800 number.
 4. Program Axxess call routing system
 5. Manage trunk groups and hunt groups
- Misc Administration duties
 1. Provide internal network and helpdesk support
 2. On call cell phone support from open to close, Monday through Sunday
 3. Organize and maintain vendor contact info and relations for voice ,data, and hardware.
 4. Organize and maintain network layout ,configuration and documentation

Technician

1996-1998 LinkTech Computers Del Mar, CA

- Troubleshoot PC/MAC hardware and software
- Full system builds and customization.
- Home and small business networking.
- Office and Inventory organization
- Communication with vendors
- Phone Technical support

Computer lab Technician

1995-1996 Miracosta Community College Oceanside. CA

- Troubleshoot PC/MAC hardware and software
- Technical support
- Network resource management

EXHIBIT B

Computer Management						
Action View						
Tree						
Action View						
System Tools						
Event Viewer						
Application						
Security						
System						
System Information						
Performance Logs and Alerts						
Shared Folders						
Device Manager						
Local Users and Groups						
Storage						
Disk Management						
Disk Defragmenter						
Logical Drives						
Removable Storage						
Services and Applications						
Type	Date	Time	Source	Category	Event	View
Warning	1/8/2008	6:31:26 PM	Browser	None	8022	N/A
Warning	1/8/2008	4:51:26 PM	Browser	None	8021	N/A
Warning	1/8/2008	4:39:36 PM	Browser	None	8021	N/A
Warning	1/8/2008	4:38:26 PM	Browser	None	8022	N/A
Warning	1/8/2008	4:38:26 PM	Browser	None	8021	N/A
Warning	1/8/2008	4:38:26 PM	Browser	None	8021	N/A
Error	1/8/2008	1:17:40 PM	Server	None	2511	N/A
Information	1/8/2008	1:17:40 PM	eventlog	None	6005	N/A
Information	1/8/2008	1:17:40 PM	eventlog	None	6009	N/A
Error	1/8/2008	1:17:40 PM	Server	None	2511	N/A
Information	1/7/2008	4:10:26 PM	eventlog	None	6005	N/A
Error	1/7/2008	9:46:18 AM	Server	None	2511	N/A
Information	1/7/2008	9:45:48 AM	eventlog	None	6005	N/A
Information	1/7/2008	9:45:48 AM	eventlog	None	6009	N/A
Error	1/7/2008	9:45:48 AM	Server	None	2511	N/A
Information	1/4/2008	3:03:50 PM	eventlog	None	6005	N/A
Warning	1/4/2008	3:02:50 PM	Browser	None	8021	N/A
Warning	1/4/2008	3:02:50 PM	Browser	None	8022	N/A
Error	1/4/2008	1:25:38 PM	Server	None	2511	N/A
Information	1/4/2008	1:25:35 PM	eventlog	None	6005	N/A
Information	1/4/2008	1:25:35 PM	eventlog	None	6009	N/A
Error	1/4/2008	1:25:38 PM	Server	None	2511	N/A
Information	1/2/2008	4:45:46 PM	eventlog	None	6005	N/A
Error	1/2/2008	10:41:33 AM	Browser	None	8032	N/A
Warning	1/2/2008	10:38:01 AM	Browser	None	8021	N/A
Information	1/2/2008	7:46:34 AM	Removable Storage Service	None	134	N/A
Information	1/2/2008	7:46:34 AM	Removable Storage Service	None	135	N/A
Information	1/2/2008	7:46:34 AM	Removable Storage Service	None	134	N/A
Error	1/2/2008	7:44:02 AM	Server	None	2511	N/A
Information	1/2/2008	7:43:32 AM	eventlog	None	6005	N/A
Information	1/2/2008	7:43:32 AM	eventlog	None	6009	N/A
Error	1/2/2008	7:44:02 AM	Server	None	2511	N/A
Information	12/28/2007	1:48:43 PM	eventlog	None	6005	N/A
Error	12/28/2007	8:04:42 AM	Browser	None	8032	N/A
Error	12/28/2007	8:04:42 AM	Browser	None	8032	N/A
Warning	12/28/2007	8:03:42 AM	Browser	None	8022	N/A
Warning	12/28/2007	8:02:42 AM	Browser	None	8022	N/A
Warning	12/28/2007	8:02:42 AM	Browser	None	8021	N/A
Warning	12/28/2007	8:02:42 AM	Browser	None	8021	N/A
Error	12/28/2007	7:54:28 AM	Server	None	2511	N/A
Information	12/28/2007	7:53:58 AM	eventlog	None	6005	N/A
Information	12/28/2007	7:53:58 AM	eventlog	None	6009	N/A
Error	12/28/2007	7:54:28 AM	Server	None	2511	N/A
Information	12/27/2007	4:28:44 PM	eventlog	None	6005	N/A
Error	12/27/2007	8:20:06 AM	Browser	None	8032	N/A
Error	12/27/2007	8:20:06 AM	Browser	None	8032	N/A
Warning	12/27/2007	8:18:36 AM	Browser	None	8022	N/A
Warning	12/27/2007	8:18:06 AM	Browser	None	8021	N/A
Warning	12/27/2007	8:06:06 AM	Browser	None	8021	N/A
Warning	12/27/2007	8:06:06 AM	Browser	None	8021	N/A
Warning	12/27/2007	7:54:06 AM	Browser	None	8021	N/A
Warning	12/27/2007	7:54:06 AM	Browser	None	8021	N/A
Error	12/27/2007	7:45:36 AM	Browser	None	7531	N/A

Event Properties [?] [X]

Event |

Date: 1/2/2008 Source: Removable Storage
 Time: 7:46 Category: None
 Type: Information Event ID: 135
 User: N/A
 Computer: TED

Description:

Received a device interface REMOVAL notification for device:
 \\?USBSTOR#Disk&Ven_Corsair&Prod_Flash_Voyager&Rev_1100
 #A90000000002543540#(53f56307-b6b1-11d0-9412-00a0c91e1b8b)

Data: ☒ Bytes ☐ Words

0000:	04 01 00 00 05 00 00 00
0008:	00 00 00 00 07 63 f5 63c63
0010:	b1 b6 d0 11 94 12 00 a0	..Dd.
0018:	c9 1a fb 8b 6c 00 5c 00	8.00\.
0020:	3f 00 5c 00 65 00 53 00	?..U.S.
0028:	42 00 63 00 54 00 4f 00	B.S.T.O.

OK Cancel Apply

Event Properties [?] [X]

Event

Date: 1/2/2008 Source: Removable Storage
 Time: 7:46 Category: None
 Type: Information Event ID: 134
 User: [redacted]
 Computer: TED

Description

Received a device interface ARRIVAL notification for device
 \\?\\USBSTOR#Disk&Ven Corsair&Prod.Flash Voyager&Rev.1100
 #A900000000254350#(53f56307-b6b1-11d0-94f2-00a0c91efb8b)

Data: ☒ Bytes ☐ Words

0000:	04 01 00 00 05 00 00 00	
0008:	00 00 00 00 07 63 ff 63	c89
0010:	b1 b6 d0 11 94 f2 00 a0	00 0b
0018:	c9 1a 2b 8b 5c 00 5c 00	1 00 \ \
0020:	3f 00 5c 00 66 00 63 00	7 \ \ U S
0028:	42 00 53 00 54 00 41 00	B S T 0

OK Cancel Apply